

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

YASMEEN MCEACHIN,

Plaintiff,

V.

COMMUNICARE HEALTH
FOUNDATION, and BARRIO
COMPREHENSIVE FAMILY
HEALTH CARE CENTER, INC.,

Defendants.

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CIVIL ACTION NO. SA-24-CA-01108-FB

ORDER ACCEPTING REPORT AND RECOMMENDATION
OF UNITED STATES MAGISTRATE JUDGE

Before the Court is the Report and Recommendation of United States Magistrate Judge, filed in the above-captioned cause on July 3, 2025. (Docket no. 28). To date, no objections to the Report and Recommendation have been received.¹

Because no party has objected to the Magistrate Judge's Report and Recommendation, the Court need not conduct a de novo review. *See* 28 U.S.C. § 636(b)(1) ("A judge of the court shall make a de novo determination of those portions of the report or specified proposed findings and recommendations to which objection is made."). The Court has reviewed the Report and Recommendation and finds its reasoning to be neither clearly erroneous nor contrary to law. *United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir.), *cert. denied*, 492 U.S. 918 (1989).

IT IS THEREFORE ORDERED that the Report and Recommendation of United States Magistrate Judge (docket no. 18) is ACCEPTED pursuant to 28 U.S.C. § 636(b)(1) such that Defendant

¹ Any party who desires to object to a Magistrate's findings and recommendations must serve and file his, her or its written objections within fourteen days after being served with a copy of the findings and recommendation. 28 U.S.C. § 635(b)(1). If service upon a party is made by mailing a copy to the party's last known address, "service is complete upon mailing." FED. R. CIV. P. 5(b)(2)(C). If service is by electronic means, "service is complete upon transmission." *Id.* at (E).

Communicare Health Foundation's Opposed First Amended Motion to Dismiss for Failure to State a Claim (docket no. 7) is GRANTED and Defendant Barrio Comprehensive Family Health Care Center, Inc.'s Opposed First Amended Partial Motion to Dismiss for Failure to State a Claim (docket no. 6) is GRANTED in PART and DENIED in PART. Specifically, all of Plaintiff's claims except for her Title VII and FMLA claims against Communicare are dismissed. Further, Plaintiff's Rehabilitation Act claims against both Defendants are DISMISSED WITHOUT PREJUDICE to Plaintiff having an opportunity to amend her complaint for the limited purpose of pleading additional facts, if any, to plausibly show that Defendants are recipients of federal funds. This case remains referred to the Magistrate Judge for further pretrial proceedings.

It is so ORDERED.

SIGNED this 24th day of July, 2025.



FRED BIERY
UNITED STATES DISTRICT JUDGE